

### REMARKS

Claims 1-30 are pending in the application. The Examiner has rejected Claims 1-3, 5-7, 9-14, 16-18, 20-22 and 24-29 under 35 U.S.C. §103(a) as being unpatentable over Gilhousen (U.S. Patent 5,751,761) in view of Minn et al. (U.S. Patent 6,088,347). The Examiner has rejected Claims 4 and 19 under 35 U.S.C. §103(a) as being unpatentable over Gilhousen in view of Minn et al., and further in view of Partridge, III (U.S. Patent 5,608,778). The Examiner has rejected Claims 8 and 23 under 35 U.S.C. §103(a) as being unpatentable over Gilhousen in view of Minn et al., and Partridge, III, and further in view of Tiedemann, Jr. et al. (U.S. Patent 6,256,301). The Examiner has rejected Claims 15 and 30 under 35 U.S.C. §103(a) as being unpatentable over Gilhousen in view of Minn et al., and further in view of Tiedemann, Jr. et al.

In addition, the Examiner has objected to Figs. 1 and 2 as not being labeled "Prior Art". Attached hereto are Figs. 1 and 2 labeled "Prior Art". Withdrawal of the objections is respectfully requested.

Regarding independent Claims 1, 9, 16 and 24, the Examiner rejected the claims under 35 U.S.C. §103(a) as being unpatentable over Gilhousen in view of Minn et al. Gilhousen teaches a system and method for orthogonal spread spectrum sequence generation in variable data rate systems, and Minn et al. teaches a variable chip rate code-division multiple access method. The Examiner states on page 3 of the Office Action, "Minn is clearly teaching Gilhousen can be used to assign Walsh codes to two CDMA communications systems."

Applicants respectfully submit that there are several elements that distinguish Claims 1, 9, 16 and 24 over the cited references. Of these, there are at least three distinguishing elements of the independent claims upon which the Applicants request that the Examiner focus.

First, the claims of the present invention clearly recite that the orthogonal code numbers that are stored are orthogonal code numbers that cannot maintain orthogonality due to an orthogonal code that the forward common channel uses at a maximum data rate. A specific group of orthogonal codes relating to the forward common channel of the first CDMA system are stored, not all non-orthogonal codes of the system.

Second, the controller reads the orthogonal code numbers of the specific group stored from the storage medium *according to mobile station type* information from a mobile station in Claims 1 and 16, and according to a paging message received from a base station in Claims 9 and 24. .

And, third, the controller allocates a specific forward common channel using one of the stored orthogonal code numbers from the specific group.

As neither Gilhousen nor Minn et al. teaches or discloses at least these three distinguishing elements, Applicants respectfully request that the rejections of Claims 1, 9, 16 and 24 be withdrawn.

Independent Claims 1, 9, 16 and 24 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 2-8, 10-15, 17-23 and 25-30, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2-8, 10-15, 17-23 and 25-30 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-30, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,



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